

A Small Controversy Settled.

We have felt very little interest in the disquisitions which have been put forth on what is called the black code. It was a bill to establish and regulate the domestic relations of persons of color, and to amend the law in relation to paupers and vagrancy. It was passed in December, 1865, and the year following, some of its features which were thought unjust and harsh were modified or repealed. It is unnecessary to discuss a measure passed so long ago, and under peculiar circumstances, whose provisions were swept away by the next wave of events. There is no doubt that the then prevailing circumstances called for exceptional legislation—that men stood on shifting sands without being aware of it. Few men know whether the tide of revolution is tending. We talk and legislate to-day, in full confidence that we are in thought masters of the situation; but ten years hence, those who may be upon the active stage, will be sitting in stern review of what the actors in present events plume themselves upon. The Act in question may well take its chances in the future with a large portion of the legislation which has succeeded it on the statute books. We need not cite other testimony to the necessity of restraining laws in 1865, than the confession of the *Union-Herald*, which, while seeking to make political capital out of it, admits that at that time, when the restraints of society were loosened, when the relations of two races were undergoing change, "it was the right and duty of the General Assembly to enact such legislation as would have a tendency to check license, to prevent disorder, and to preserve the public peace." Such legislation, it confesses, was "already in the interest of the whole community, and particularly of the recently emancipated slaves themselves," towards whom "reasonable restraint" should have been regarded without complaint. This reasonable restraint, it was the object of the code to apply, and it was modified as time wore on. In the minds of all thoughtful and considerate persons, the intentions of the framers of the Act are justified as being good, and not to be affected by the lapse of a decade of years, or a hundred years.

Taking this view of the matter, it is of little concern, in our judgment, whether a member of the Legislature, in 1865, voted for the bill or not. We think no more highly of those who opposed it than of those who sustained it. The only purpose in the world any one has to resurrect the vote upon it is, to make an affirmative vote tell against the nominee of the Independent Republican party for Governor. Upon this subject we have a timely statement, from the pen of Mr. Gilbert, editor of the *Sumter Watchman*, and, at the time of the passage of the bill, a colleague of Judge Greene in the Legislature, and his intimate personal friend. They boarded and roomed together, and generally acted in accord upon public questions. This gentleman's testimony will be regarded as conclusive, and will put an end to the small controversy. Mr. Gilbert says, emphatically, that

"Judge Green was opposed to the Black Code throughout—and, in connection with him, we fought it, in the House, inch by inch—the strategy being, when we saw that it could not be defeated by direct attacks, so to load it with amendments, as that it might not finally pass. With this view, Judge Greene's amendments were offered."

JUDGE GREEN AND THE SUMTER BAR. At a meeting of the bar of Sumter County, presided over by J. S. G. Richardson, Esq., held last Saturday, immediately after the adjournment of the court, highly complimentary resolutions were passed in honor of Judge Green; calling to mind his courteous, faithful, earnest and impartial discharge of his duty, and expressive of sympathy with him in his recent severe illness. They also acknowledge obligations to him for his opening court, for the transaction of pressing business, and such trying circumstances; and recognize in it additional evidence of his imperative sense of duty. They also unite with the members of the profession practicing in Clarendon, that he will exercise proper concern for his health, and not hold court there this week.

Shreveport, La., last fall, suffered dreadfully from a destructive siege of the yellow fever, and this fall, though exempt from the fever, the city is under the terrors of the bayonet. Such is the progress of law and order under Kellogg's benign government in Louisiana.

Beyond Bounds.

We read yesterday, copied from a Spartanburg paper, some whoops of Judge Mackey, who is therein reported to be "on the war-path." The Judge used to make a specialty of showing up and running down the class of people with whom we have been afflicted for several years past, vulgarly known as carpet baggers. For many years it has been his favorite theme—one rolled as a sweet morsel under his tongue. Who that has heard him exhortate Sawyer and Whittemore, and perhaps a dozen others who left their country for their country's good and came into ours to plunder and ravage, can forget the native venom which seasoned his speech? But it is said times change and we change in them. Judge Mackey has changed. He now embraces Whittemore, Leslie, Patterson, Worthington *et al.*, and reserves his denunciations for home folks. He declares against his countrymen, and seeks to establish over us the rule of the stranger and the dynasty of carpet-baggers in endless succession. Of this we shall say nothing. Judge Mackey has the right to be as inconsistent in speech as the exigencies of his party may require. He may be for or against Kershaw, as he pleases. Let him exalt the carpet-bagger, if he will. Every one to his taste, as the old woman said who kissed the cow. But moderation in speech, a certain careful restraint and dignified utterance, characterize the language of men towards each other who occupy the same official public position. Judge Green holds a commission from the people of South Carolina as Judge of the Fourth Circuit, as Judge Mackey does of the Sixth. He has been placed in nomination for the office of Governor. His public record, his measure of talent, his learning, his honesty and consistency of character, his ability to serve the State, may well be inquired into and discussed by political friend or political foe. But Judge Mackey passes these safe and well recognized bounds, and in a public speech descends to make statements concerning his brother Judge, which, if true, he has no recognized right to parade before the world. The courtesy of office, the necessity of at least the exterior observance of passable relations, considerations which affect the public service involved in the proper bearing towards each other of men engaged in it, should preclude indulgence in vituperative terms by one Judge towards another, as they have always done heretofore in our history. The matter becomes the more reprehensible, when we consider the prostrate condition of Judge Green from a serious illness, and in view of the fact, which is abundantly attested by those who have access to him, including his physician, that the statements concerning him are utterly without foundation.

OFFICE OF COMMISSIONERS OF ELECTION, COLUMBIA, S. C., October 28, 1874.

At a meeting of the Commissioners, held this day, present Geo. W. Waterman, Wm. M. Taylor and John Agnew, it was

Resolved, That Jacob Thompson be appointed a Manager of Election for Hopkins' Precinct, in place of Jacob B. Lowman, who is hereby removed.

Thomas P. Weston was appointed a Manager of Election for Precinct of Gadsden, in place of G. A. Kaminer, resigned.

Managers of Election are hereby notified to call on the Chairman of the Commissioners, John Agnew, and receive the necessary blanks, &c., to conduct the election; also to file their affidavits with the Clerk of the Court for Richland County.

JOHN AGNEW, Chairman.

THE BLUE RIDGE RAILROAD.—A special despatch to the *Charleston News and Courier* says:

Ex-Gov. Scott has filed his bond in the sum of \$36,500 for the purchase of the Blue Ridge Railroad, with Anson Bangs, of New York, and B. F. Whitner, of Anderson, S. C., as security for the payment of the State and County taxes due by the road; payment to be made in sixty days. The road was bought in for re-sale, and all bondholders have the right to come in if they pay their proportion of the purchase money and the expenses that have accrued.

The *Daily Graphic* thinks that the best way to get at the truth about the condition of the South, is for the large dailies of New York to club together and pay the expenses of a commission to be composed of gentlemen of undoubted eminence and veracity, the commission to visit the Southern States, and the journals aforesaid to publish their report verbatim. The *Graphic* suggests for such a commission Charles O'Connor and William Butler Dunoon, Democrats; Edward Pierpont and Royal Phelps, Republicans; and William M. Everts, (politics unknown.) These gentlemen would be entirely acceptable, but there is not the slightest prospect that any one of them would accept.

There is a certain Major Merrill—Lewis Merrill, of the 7th United States Cavalry—who recently swore to an affidavit, upon which some ninety citizens of Shreveport, La., have been arrested. The charge against these respectable merchants and manufacturers is, that "they did conspire," etc., to intimidate certain colored voters by threatening to discharge them if they voted the Radical ticket—if, in other words, they voted for candidates who had robbed these merchants and manufacturers of a large part of their substance, and wanted the further opportunity to complete the work of plunder. It will be of interest to tell who this Major Merrill is. Several years ago he was stationed in South Carolina, and was the United States officer who then so vigorously hunted up the parties charged with Ku Kluxing in that State, many of whom have since proved to have been absolutely innocent of the charges against them, and released by the President. This police work was not at all in the line of his duty, but was a bit of profitable volunteer labor on the part of Major Merrill, for which the scandalous State Government of South Carolina afterwards paid him some \$50,000, appropriated out of the State treasury. This little transaction was afterwards brought up in the United States Senate by Mr. Bayard, who introduced a resolution of inquiry into the matter. The inquiry was referred by the Radical Committee to Major Merrill himself, who very naturally neglected to return any answer. The inquiry was not at all vigorously pressed, and that was the last heard of it. Now Major Merrill turns up in another bit of amateur police business in Louisiana—he had gotten a year's leave of absence, on full pay, for his South Carolina operations. Not one of the negroes so brutally treated could be found to swear to the necessary affidavit, nor any of the immaculate Republicans of the Shreveport neighborhood. It appears that Major Merrill is the only person who can be found in all that district cognizant of the facts—or who is the only man mean enough to swear to them—and hence the affidavit. The South Carolina \$50,000 sufficiently accounts for the milk in that coconut. But to what a pass has our gentlemanly army come, when such a base hiring is permitted to remain among them—nay, to be granted almost unprecedented favors as a reward for his base-ness. He should be, and doubtless is, despised by his fellows at arms, as he must be by every decent man in the land.—*Louisville Courier-Journal*.

THE FASCINATION OF GAMING.—New York has recently afforded a most remarkable instance of the wonderful fascination of the gaming table. I was in the city when the event which I am about to describe occurred, and though it did not find its way into the newspapers, there is no doubt as to the truthfulness of the statement. One night last September, a party of three men entered one of the gambling rooms of the great city for the purpose of robbing, if possible, the cash drawer of the faro bank. One of them took a seat at the end of the table near which the drawer was located, while the others sat down in front and commenced betting against the game, in order to distract the attention of the dealer and "look-out." While the deal was in progress and the chips were flying freely, the adroit thief, with one hand under the table, managed by the assistance of a very sharp instrument to cut a hole in the drawer without being detected. Through the orifice thus made he abstracted what is technically known as the "bank role," amounting to seven or eight thousand dollars. It was quickly and adroitly passed to one of the confederates, and the thief shifted his position. A few minutes afterwards the dealer opened the drawer and discovered that the money was gone. He was sure that one of the men in front of him was the robber, but how to get the funds back again was the trouble. If he gave the alarm, the chances were that he would get hold of the wrong man, he would be able to prove nothing, the thieves would escape, and the proprietor of the establishment would probably suspect him of being in collusion with the gang. He was an old gambler and a pretty good judge of human nature. He saw that the men in front of him were "stuck" with the game and he determined to take the chance of winning back the spoils. He replenished the drawer from his pocket, said nothing of his loss and carried on the game as usual. The thieves played on, fancying that they were unsuspected, the deal went against them and they lost heavily. So great was the fascination of gambling, that though they had accomplished the purpose for which they entered the house, they were unable to tear themselves away from the table. In half an hour the bank had all its money back again and the crest-fallen rogues retreated from the premises with the consciousness of knowing that they had only had their pains for the trouble.

THE SPARTANBURG AND ASHEVILLE RAILROAD.—The prompt response which has been made to the call of the directors for a second installment upon the capital stock of this company, is gratifying to its friends and promoters, as it shows that the community have confidence in the gentlemen managing the affairs of the company, and have faith in its speedy completion. Another indication of the growing interest in the number of new subscribers lately added to the stock list, many of them subscribing without having been approached by committees, while some of the original subscribers are adding to the shares which they have already taken.—*Charleston News and Courier*.

ORIGIN OF THE DOLLAR-MARK.—For example, one morning there were three members of the Congress absorbed in examining a small tray of old coins in the British Museum. These three were strangers to each other; they were of widely different creeds—one a Jewish Rabbi, another a Roman Catholic, the third a Radical and heretic. So wide apart as they were in belief, are the nations of the earth; yet, ere the three had separated, they had, together, spelled out on the coins the infallible vestiges of the primeval unity of mankind. Among these vestiges, none was more notable than those on the columned coins, of which your American dollar-mark, with its fillet-bound "Pillars of Hercules," is the survival. The most ancient legend of the "Pillars of Hercules" states that, on setting up on his wonderful voyage in a small jar, he was bitten by a serpent; an oracle told him that if he sailed Westward, he would arrive at a certain point, and find a particular tree, which tree would heal the wound made by the serpent. So it happened, and, as a memorial of the incident and the cure, Hercules set up at the point where it occurred—anciently Gades, now Cadiz—the two pillars. Some have suggested that the which twines around the pillars in the Spanish-American dollar mark, is meant for a serpent, but this is only only speculation. The oldest European columned coin shown at the British Museum—only about the time of Charles I—shows a separate twining S around each pillar, shaped like a fillet, and a crown over each column. We have only changed it by removing the two crowns, and making one fillet answer for both columns. But, when we look at the earliest Phœnician coins, we find some of them having only one column, and it has been suggested that the double column might have only indicated that the coin was double in value the single column coin. But this theory disappears when we look to still earlier coins, where we find the device to be two pillars supporting an arch, plainly denoting the doorway of a temple. As there are really no pillars of Hercules, there can be little doubt that by them was meant only the door-posts of his ancient Phœnician temple; and these, represented on an ancient coinage, have survived in the columned coins of Italy and Spain, and been carried from the latter country to be the primitive and the present sign of the farthest West.

Some of the most delicate and costly perfumes are now made by chemical artifice, and not, as formerly, by distilling them from flowers—the perfume of the latter often consisting of oils and ethers, such as the chemist can compound artificially in his laboratory. Commercial enterprise has availed itself of this new avenue to trade and profits; but the most singular fact is that these delightfully fragrant products are generally derived from substances of intensely disgusting odor. Thus, the peculiarly fetid oil termed fusel oil, is formed in making brandy and whiskey; this fusel oil, distilled with sulphuric acid and acetate of potash, gives the beautiful oil of pears. The oil of apples is made from the same fusel oil; by distillation with sulphuric acid, and bichromate of potash; and the oil of grapes, and the oil of cognac, used to impart the flavor of French cognac to brandy, are said to be little else than fusel oil. An exquisite article, known as the oil of pine-apples, is obtained from a product of the action of putrid cheese on sugar, or by making a soap with butter, and distilling it with alcohol and sulphuric acid. The popular oil of bitter almonds, now so largely employed in perfuming soap, and for flavoring confectionery, is prepared by the action of nitric acid on the fetid oils of gas tar.

DEATH OF B. RUSH CAMPBELL, Esq.—This distinguished Mason and honored citizen died at his residence, in Wentworth street, yesterday, after a protracted illness. Mr. Campbell was born in Laurens County, and was fifty-eight years of age at the time of his death. He graduated at the South Carolina College in 1835, and was soon afterwards admitted to the bar. In 1843 he was elected Commissioner in Equity for Laurens County, which position he filled for nearly twenty years, discharging its important and delicate duties with credit to himself and universal satisfaction to the bar. His Masonic career commenced at Laurens Court House, where he was initiated at an early period of his life. In 1860 he was elected Grand Master of the Grand Lodge of Masons of South Carolina, and served for one year. In 1869 he was elected Grand Secretary to the Grand Lodge, which position he held to the time of his death. He was a genial, warm-hearted gentleman, and was universally esteemed. Since 1869, he has resided in Charleston, where he won many warm friends. His funeral services will take place to-day, under the direction and auspices of the Masonic fraternity.—*Charleston News and Courier*.

Among some notes on duels, the *New York Post* gives the following: "Richard Somers, a lieutenant in the navy of the United States, a gentleman of mild manners and of a kindly nature, indulged in three duels in one day, and lost so much blood from wounds received during the first two, that he was obliged to remain seated on the ground throughout the third engagement. He is said to have perished in the Intrepid fire sketch, before Tripoli, in 1804."

One by one the green leaves wither,
One by one the roses pine;
One by one the poker players
Stook the cards, and then go blind.

CITY MATTERS.—Subscribe for the *Phoenix*—don't borrow.

Haverly's Minstrels, to-night, in Parker's Hall. Go and hear them.

The Indian Girl has mounted an elevated pedestal, and well she adorns it.

Transient advertisements and notices must be paid for in advance. This rule will be adhered to hereafter.

The young folks found it pleasant enough last night for promenades under the light of the moon.

See what Messrs. John Agnew & Son offer in the way of food and fare for man and beast.

The State Fair opens on Tuesday, November 10, and closes Friday evening, November 13, 1874.

Messrs. Lorick & Lowrance inform the public of the means whereby they can save doctor's bills. Read it, by all means.

We should like to speak of the weather, but it is so far ahead of anything we can think of, that we really cannot do the subject justice.

Job printing of every kind, from a miniature visiting card to a four-sheet poster, turned out, at short notice, from PHOENIX office. Try us.

The Commissioners of Election for Richland have made several changes in their appointments, to which attention is directed.

When your pocket-book gets empty and everybody knows it, you can put all your friends in it and it won't "bulge out" worth a cent.

Stupid people are the most obstinate, and it is natural that a man should stick to his ideas when he has but few.

Just received at Koenig's store, 23 Plain street, near Assembly, due cauliflower, red and white cabbage, beets, carrots, etc. Best assortment of vegetables in the city.

Two of the Wilson Sewing Machines which were exhibited at the Vienna Exposition, are now on exhibition at rooms of this company, on Main street. They are well worth a visit.

Lately a young lady had occasion to inform a young gentleman that "her hand was not a lemon." He wanted a punch and had the other "ingredients."

Capt. John H. Killian, (a native of Columbia,) has accepted the situation of Supervisor of the Port Royal Railroad. He has been connected with the Charlotte, Columbia and Augusta Railroad for several years.

Every third man that you meet on the street is decorated as to the top-knot with a sugar loaf, broad-brim, black felt hat. It makes some of them look like brigands, and some of them like the devil. We advise the feeble brethren not to mount such top gear, which it don't become them.

Messrs. Brookbanks & Co. have changed quarters, and are now located nearly opposite the Wheeler House. Amongst their latest acquisitions are grapes from Malaga, pears from California, bananas from the West Indies and apples, etc., from—everywhere.

Mr. McKenzie, yesterday, received another installment of those good things for which his establishment is proverbial—preserved and canned fruits; French confections; West India fruits, nuts, etc. The wants of young Columbia have been provided for, and a number of new toys and toy books have been added to his usually extensive collection. The wonderful exploits of the Mulligan Guards and their colored confederates are pictorially and comically described in a recently published series of juvenile literature.

METEORIC DISPLAY.—The *Charlotte Observer* thus discourses of the meteoric display, noticed in Wednesday's PHOENIX:

A brilliant and remarkable meteor was seen by many of our citizens, yesterday evening, about 6.30. It was remarkable for its unusual size and splendor, and for the sound that accompanied its explosion. It shot down the North-western sky, becoming visible first in the region about the North star, and vanishing from sight as it approached the evening star, which, just then, was shining gloriously, a little above the Western horizon. A streak of fire followed it in its course. It shed a brilliant, greenish light over the earth, as it sped on its way; and disappeared as suddenly as it had appeared. Two-and-a-quarter minutes after its disappearance, a heavy, dull explosion was heard from overhead. As the sound was two-and-a-quarter minutes in reaching the earth, according to the best estimates we can obtain, the explosion must have taken place at a distance of not less than thirty-five or thirty-eight miles from the surface of the earth—that is, very near the upper limits of the earth's atmosphere, which extends upward fifty miles. Those who witnessed this celestial runaway, regard it as one of the most remarkable and splendid ever seen in these parts.

Haverly's Minstrels.—This troupe is thus spoken of by the *Savannah Morning News*:

For the past several days we have been quoting from our Georgia exchanges in regard to Haverly's Minstrels. We had known Haverly as one of the finest managers in the profession, and, consequently, we were disposed to receive what the papers said without any grains of allowance. Last night, the company appeared to answer for themselves, and it is not going too far to say that it is the best minstrel troupe that has ever appeared upon our stage. The actors in the organization have gone back to first principles, and, instead of a lot of silly gags, they give genuine negro scenes. The first part is a most excellent feature, especially the sentimental and humorous songs of Freeth, Welling, Wilson and Barlow. The finale, entitled the "Hooligan Guards," is calculated to elicit a sensitive man wide open. The songs of E. M. Hall, with banjo accompaniment, are unsurpassable, especially his rendition of "Home, Sweet Home," with variations. Hall is an artist wherever you stick him, and, off the stage, he is a most perfect gentleman. We are partial to a man who can knock music sideways out of a banjo like Hall. Then we have Goss and Fox, and the California quartette, each the very best in their line. The songs of the quartette were received with tumultuous applause, and Goss and Fox were encored until they thought they'd never get to bed. George Wilson's version of "Hamlet and His Ma" was calculated to make a man's beard grow, and the audience received it most hilariously.

The gem of the evening, however, was Milt Barlow's "Old Black Joe." We were of the opinion that Cal. Wagner's plantation melodies were artistic in their way, but they didn't touch "Old Black Joe." It has been as thoroughly studied, and is every whit as fine a character sketch as "Rip Van Winkle," or "Solon Shingle." We shall insist upon this to the last. No man who is not really a fine actor could assume the difficult part of "Old Black Joe." It carries with it as keen a conception of naturalness and of pathetic composure as any sketch that was ever put upon the stage, and to say that Barlow meets the expectations of those who are familiar with life on the old plantation, is to give a feeble expression of our satisfaction. Upon the whole, Haverly's Minstrels comprise the best troupe that has ever appeared in our theatre, and it was greeted last evening with an audience which, in point of size, enthusiasm and respectability, was far ahead of anything that has gathered at any place of amusement in Savannah this season.

Mr. Robert Filkins, the agent, arrived in Columbia yesterday, and completed the necessary arrangements.

PHOENIXIANA.—Bad debts—owing grudges.

Affecting sight—Barrels in tiers.

A spirited youth—One dead drunk.

To secure a result, lock it up.

A fact is worth a thousand statements.

There is music in all things if a man had ears to hear.

Hypocrites do the devil's drudgery in Christ's livery.

An acre of performance is worth a whole world of promise.

Economy can be very well defined by calling it common sense.

What is the use of talking of this world's brightness and sun-shine to a man that has tight boots?

MAIL ARRANGEMENTS.—Northern mail opens 6.30 A. M.; 3 P. M.; closes 11 A. M., 6 P. M. Charleston opens 8 A. M., 5.30 P. M.; closes 8 A. M., 6 P. M. Western opens 6 A. M., 1 P. M.; closes 6, 1.30 P. M. Greenville opens 6.45 P. M.; closes 6 A. M. Wilmington opens 4 P. M.; closes 10.30 A. M. On Sunday open from 2.30 to 3.30 P. M.

LIST OF NEW ADVERTISEMENTS. Agnew & Son—Hams, Oats, &c. Silliman & Co.—Aniline Dyes. Lorick & Lowrance—Apples. Estate of Richard Wear.

HOTEL ARRIVALS, October 26.—*Hen-drix House*—J. L. Hogan and lady, Lynchburg; L. Pemphey, E. Packham, Md.; W. H. Jones, Greenville; W. S. Smith, Fish Dam; Dr. Bonner, L. W. Duval, Winstonsboro; J. H. Hancock, Spartanburg; T. E. Gilbert, Sumter; W. H. Desportes, Ridgeway; Mrs. E. O. Berly, Lexington; W. O. Stargis, Rock Hill; C. J. Ogburn, N. C.; H. C. Peeples, Ga.

A compromise between cremation and inhumation is proposed in Germany, by Dr. Von Steinbeis, whose plan is "to cover the body with Roman or Portland cement, which hardens into a solid mass, and renders the escape of noxious gases impossible. According to this plan, the corpse would be placed in a sarcophagus of already hardened cement, the cavity in which it reposed would be filled up with the same material, and both would harden together into a thick slab of a substance resembling stone. Thus, the deceased, buried in this manner, would rest within, instead of under, his tombstone, and grave and monument would be comprised in the same block of imitation granite." The only objection to this plan lies in its wastefulness of fertilizing material; but, *per contra*, there might be a certain consolation in founding one's house literally on one's ancestors, by enclosing them in blocks of proper size to be used as building materials.